

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Alpine Laser Clinic, Inc.
Plaintiff,

vs.

Candela Corporation
Defendant

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Civil Action No. 05-11747-RWZ

JOINT STATEMENT and PROPOSED PRE-TRIAL SCHEDULE
Local Rule 16.1(D)

1. CONCISE STATEMENT OF CLAIMS AND DEFENSES

- A. Plaintiff: The Plaintiff seeks actual, consequential, and incidental damages for breach of warranty, and for unfair or deceptive acts or practices in the conduct of trade or commerce, in connection with the sale and subsequent servicing of a dermatology laser. The Plaintiff also seeks equitable relief in the form of an order requiring the Defendant to exonerate the Plaintiff from the claims of Sterling National Bank, the secured lender who financed the purchase.
- B. Defendant: The Defendant denies each of the Plaintiff's claims, further stating that it met all warranty obligations owed to the Plaintiff in connection with the subject sale. Moreover, any and all implied warranties alleged by the Plaintiff have been expressly disclaimed and/or limited.

2. DISCOVERY PLAN

(i) Fact Discovery

- A. Initial Rule 26(a)(1) Disclosures: November 18, 2005
- B. Deadline to serve written discovery requests: February 17, 2006
- C. Completion of depositions: May 17, 2006

(ii) Expert Discovery

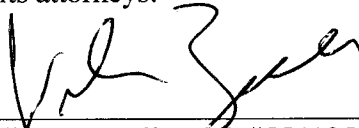
- A. Plaintiff's Designation of Experts: June 16, 2006
- B. Defendant's Designation of Rebuttal Experts: July 14, 2006
- C. Completion of Expert Depositions: August 18, 2006

3. SCHEDULE FOR FILING OF MOTIONS

- A. Dispositive Motions to be filed by: September 29, 2006
- B. Responses to Dispositive Motions to be filed by: October 14, 2006
- C. Reply memos filed by: October 28, 2006

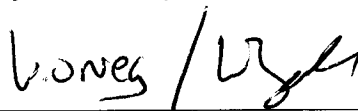
Respectfully submitted this 2nd day of November, 2005.

Candela Corporation,
By its attorneys:



William M. Zall, BBO #554135
CUNNINGHAM, MACHANIC,
CETLIN, JOHNSON, & HARNEY LLP
220 North Main Street
Natick, MA 01760
TEL: (508) 651-7524
FAX: (508) 653-0119

Alpine Laser Clinic, Inc.,
By its attorney:



Walter Oney, BBO #379795
4 Longfellow Place
Boston, MA 02114
TEL: (617) 227-5620
FAX: (617) 227-5760